

REMARKS

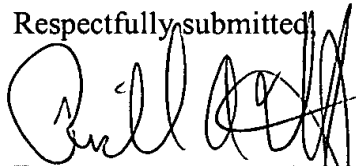
The Applicant has cancelled the previously pending claims and added new claims 51 – 93. These new claims recite one or more limitations that are not found in the previously cited references, and are therefore allowable.

For example, claims 51 – 64 require a symbol on a container, the symbol representing information regarding a pharmaceutical stored in the container, and a label on the container, the label comprising an indicium, wherein the symbol and indicium are positioned to allow simultaneous scanning. Claims 65 – 75 require, for example, an indicium adjacent to and aligned with a symbol, wherein the indicium identifies at least a pharmaceutical that has been prescribed to a patient. Finally, claims 76 – 93 require, for example, storing a pharmaceutical material in a container having thereon a symbol representing information regarding the stored pharmaceutical material, creating a label comprising an indicium, placing the label on the container, simultaneously scanner the symbol and indicium, and using a scan of the symbol and indicium to verify that the pharmaceutical material corresponds to a prescription.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Richard A. Wulff, Reg. No. 42,238
One of the Attorneys for Applicant(s)
GARDNER CARTON & DOUGLAS LLC
191 North Wacker Drive, Suite 3700
Chicago, Illinois 60606-1698
(312) 569-1000 (telephone)
(312) 569-3000 (facsimile)

Date: March 27, 2003

CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO OFFICE ACTION (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date: 3-27-03

A handwritten signature in black ink, appearing to be "L. L. L.", written over a horizontal line.

#10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jerome L. Krupa

Art Unit: 3722

Application No. 09/759,875

Examiner: Mark T. Henderson

Filed: January 12, 2001

For: LABEL AND METHOD OF USING THE
LABEL TO FILL CONTAINERS

PENDING CLAIMS AFTER ENTRY OF AMENDMENT

51. A container assembly comprising:

a container;

a symbol on the container, the symbol representing information regarding a
pharmaceutical stored in the container; and

a label on the container, the label comprising an indicium,

wherein the symbol and the indicium are positioned so as to allow simultaneous
scanning of the symbol and the indicium by a detector.

52. The container assembly of claim 51, wherein the symbol identifies a pharmaceutical
stored in the container.

53. The container assembly of claim 51, wherein the indicium identifies a pharmaceutical
that was prescribed to a patient.

54. The container assembly of claim 51, wherein the symbol identifies a pharmaceutical
stored in the container and the indicium identifies a pharmaceutical that was prescribed to a
patient.

55. The container assembly of claim 51, wherein the symbol and the label are shaped and
positioned so that the symbol and the indicium are adjacent to each other.

56. The container assembly of claim 51, wherein the label does not cover the symbol.
57. The container assembly of claim 51, wherein the label comprises a first portion and a second portion, the first portion having an outer boundary comprising at least part of the outer boundary of the label, the second portion extending outward from the outer boundary of the first portion, the second portion containing the indicium.
58. The container assembly of claim 57, wherein the second portion covers at least a part of the symbol.
59. The container assembly of claim 51, wherein the symbol is printed on the container.
60. The container assembly of claim 51, wherein the label is a first label, the container assembly further comprising a second label that is affixed to the container, the symbol being printed on the second label.
61. The container assembly of claim 60, the first and second labels being oriented close enough to one another so as to permit the symbol and the indicium to be scanned together by the detector.
62. The container assembly of claim 51, wherein the symbol and the indicium are bar codes, and the detector is a bar code scanner.
63. The container assembly of claim 51, wherein the indicium corresponds to a checksum of the symbol.
64. The container assembly of claim 63, wherein the checksum includes a check digit of the indicium.
65. A label for use on a pharmaceutical container, wherein contents of the pharmaceutical container are represented by a symbol on the container, the label comprising
- a first portion having an outer boundary;
 - a second portion extending out and away from the outer boundary of the first portion;
 - and
 - an indicium inscribed on the second portion, wherein the indicium identifies at least a pharmaceutical that has been prescribed to a patient, and wherein the indicium is adjacent to

and aligned with the symbol so as to allow the symbol and the indicium to be scanned together by a detector in order to confirm that the prescribed pharmaceutical matches the actual contents.

66. The label of claim 65, wherein the label is a first label and wherein the symbol is printed on a second label affixed to the container.

67. The label of claim 65, wherein the symbol is printed on the container.

68. The label of claim 65, wherein the first portion and second portion are generally rectangular in shape, the second portion extending out and away from a side of the first portion, wherein the side of the second portion that is contiguous with the first portion is shorter in length than the entire side of the first portion from which the second portion extends.

69. The label of claim 65, wherein the second portion extends outward from a corner of the first portion.

70. The label of claim 65, wherein the second portion and symbol are shaped so that the second portion may cover part of the symbol while allowing for simultaneous scanning by a detector.

71. The label of claim 65, wherein the symbol and the indicium are bar codes, and the detector is a bar code scanner.

72. The label of claim 65, wherein the first portion contains information regarding the prescription.

73. The label of claim 65, wherein at least part of the label is transparent.

74. The label of claim 65, wherein the indicium is a checksum of the symbol.

75. The label of claim 74, wherein the checksum includes a checkdigit of the checksum.

76. A method of filling a prescription, the method comprising:
- receiving the prescription;
 - storing a pharmaceutical material in a container having thereon a symbol, the symbol representing information regarding the stored pharmaceutical material;
 - creating a label comprising an indicium, the indicium representing information regarding the prescription;
 - placing the label on the container;
 - simultaneously scanning the symbol and the indicium with a detector; and
 - using the scan of the symbol and indicium to verify that the pharmaceutical material stored in the container corresponds to the prescription.
77. The method of claim 76, wherein the label is a first label and the symbol is printed on a second label affixed to the container
78. The method of claim 76, wherein the symbol is printed directly on the container
79. The method of claim 76, wherein the indicium represents at least a pharmaceutical that was intended for a patient.
80. The method of claim 76, wherein the symbol and the label are located and oriented so as to allow simultaneous scanning of the symbol and the indicium.
81. The method of claim 76, wherein the symbol and indicium are located adjacent to each other.
82. The method of claim 76, wherein the symbol and indicium are aligned in the same direction.
83. The method of claim 76, wherein the symbol and indicium have shapes that allow for simultaneous scanning.
84. The method of claim 76, wherein the indicium covers at least a part of the symbol
85. The method of claim 76, wherein at least a part of the label is transparent.
86. The method of claim 76, wherein the label comprises a first portion and a second portion, the first portion having an outer boundary comprising at least part of the outer boundary of

the label, the second portion extending outward from the outer boundary of the first portion , the second portion containing the indicium.

87. The method of claim 86, wherein the first portion and the second portion are generally rectangular, the second portion extending outward from a side of the first portion, the side of the second portion that is contiguous with the first portion being shorter in length than that entire side of the first portion.

88. The method of claim 86, wherein the second portion extends outward from a corner of the first portion.

89. The method of claim 86, wherein the first portion contains information regarding the prescription.

90. The method of claim 76, wherein the symbol and the indicium are barcodes.

91. The method of claim 76, wherein the detector is a barcode scanner.

92. The method of claim 76, wherein the indicium is a checksum of the symbol.

93. The method of claim 92, wherein the checksum includes a checkdigit of the checksum.